

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION**

David Roy Hill, )  
Plaintiff, )  
v. )  
Nancy A. Berryhill, Acting Commissioner )  
of Social Security Administration,<sup>1</sup> )  
Defendant. )  
)

) Civil Action No.: 0:15-05091-JMC  
)

)

**ORDER**

This social security matter is before the court upon review of Magistrate Judge Paige Gossett's Report and Recommendation ("Report") (ECF No. 32), filed on July 19, 2017, recommending that the Commissioner's decision be reversed, and this matter be remanded to the Commissioner for further administrative proceedings pursuant to 42 U.S.C. § 405(g).

The Magistrate Judge's Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court, which has no presumptive weight. The responsibility to make a final determination remains with this court. See Matthews v. Weber, 423 U.S. 261, 270–71 (1976). The court is charged with making a de novo determination of those portions of the Report to which specific objections are made. Diamond v. Colonial Life and Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The parties were advised of their right to file objections to the report. (ECF No. 32). Defendant replied, notifying the court that she would not be filing any objections. (ECF No. 33).

<sup>1</sup> Pursuant to Federal Rule of Civil Procedure 25(d), Nancy A. Berryhill is substituted for Carolyn Colvin as the named defendant because she became the Acting Commissioner of Social Security on January 23, 2017.

In the absence of objections to the Magistrate Judge's Report, this court is not required to provide an explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed R. Civ. P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report results in a party's waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); Thomas v. Arn, 474 U.S. 140 (1985).

After a thorough review of the Report and the record in this case, the court finds the Report provides an accurate summary of the facts and law and does not contain clear error. The court **ADOPTS** the Magistrate Judge's Report and Recommendation (ECF No. 32), and **REVERSES** and **REMANDS** the Commissioner's decision for further administrative proceedings pursuant to 42 U.S.C. § 405(g), for further analysis of Plaintiff's residual functional capacity.

**IT IS SO ORDERED.**



United States District Judge

August 1, 2017  
Columbia, South Carolina